

LINCOLN PLANNING BOARD

MAY 22, 2013

APPROVED MINUTES

The regular meeting of the Planning Board was held on Wednesday, May 22, 2013, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, Gerald Olean, Jeffrey DelGrande, Michael Reilly, William Murphy, and John Hunt. Absent was Tim Griffin. Also in attendance were Town Planner Al Ranaldi and Town Solicitor Anthony DeSisto. Margaret Weigner kept the minutes.

Chairman Bostic advised that six members were present; have quorum.

CONSENT AGENDA

Motion was made by Mr. Olean to accept the consent agenda as presented. Mr. DelGrande seconded the motion. Motion passed unanimously.

COMPREHENSIVE PLAN UPDATE

Mr. Ranaldi provided the Planning Board members with the first Chapter of the Comprehensive Plan and a briefing from the Statewide Planning Board which explains what is required. He stated that there are two additional elements that they want us to look at – natural hazards and renewable energy. The other significant change is that we're looking at a twenty year horizon; right now we look at it every ten years. We are looking at an additional ten years in the future to see how we want the town to be shaped. They also have four five-year implementation reports, which we would submit to the state as to how well we are doing. It also talks about standardizing the maps needed. The state has been working on getting a template for everybody. I gave the first element to the Board and I recommend that each month a copy is given to the Board and the Board would make any notes and I would do the same and the following month we would go over the written proposal and incorporate any changes/recommendations. He doesn't see any major changes as to the way the plan has been constructed. It may be acknowledging the goals that have been met and setting a few new goals. Mr. DelGrande asked if it had to be done monthly or if it could be done quarterly. Mr. Reilly commented that since development projects are slow, the Board should use this time to review the Comp Plan. Mr. Ranaldi agreed and said since there aren't any new projects before the Board, there wouldn't be a need for meetings. Mr. Bostic asked what the due date was and Mr. Ranaldi replied 2016.

Mr. Olean asked where we fall with the plan right now. Mr. Ranaldi

replied that we have to have the plan done by June 1, 2016. He would like to give the Statewide Planning one or two elements for review and comment and taking back their comments, correcting/adding or accepting their comments. He doesn't want to plop the whole document on them at once. He would like to do one or two elements at a time. Mr. Olean asked Mr. Ranaldi if he had a timeline and Mr. Ranaldi said he would like to review an element every month. There is only one person handling all of the cities and towns. Our mapping is already done.

Mr. Olean asked Mr. Ranaldi if he would give the elements to the Board with his recommendations first and the Board can review the changes. He feels the review process would go faster that way.

Mr. Bostic asked about the review process. He asked if the Board would have to wait until 2016 if they wanted to make a change to the Comprehensive Permit process. Mr. Ranaldi explained that the Comprehensive Permit falls under the Subdivision Regulations and that it could be updated/changed by the Board at any time. The Town has four times per year that the Comp Plan can be changed. There are statutory public hearings required, but the Board has the discretion to make changes to the Subdivision Regulations. Mr. DeSisto stated that the Town Council has the final vote on the Comp Plan. When the Comp Plan is passed at the Town level, the Town can rely on that until the State approves it. Even if the state says no, it was still in effect at the time the application was filed. It stays in

effect until you amend it and send it back to the state. Otherwise, you have a limbo situation for applicants.

Mr. Ranaldi stated that other cities and town address things differently with the Comp Plan and drill down to specific neighborhoods. We will do it as a whole town; we don't want the state telling us what to do.

Mr. DelGrande asked if the Town could amend the Comp Plan three times a year. Mr. DeSisto replied that there is a three amendment limit per year. If someone comes in with an application and they want to change the boundaries of a zone, they also have to file a Comp Plan amendment. If there is something that you need to change, you have the option to do it, but the best way to do it is to change it all at once. There have been changes to the Zoning Enabling Act recently, and Mr. Ranaldi has been busy making sure that our Zoning Ordinance complies with those provisions. Renewable Energy is a big issue and he has drafted a proposed Renewable Energy ordinance that addresses not only wind, but solar. That has been introduced as an ordinance at the Town Council level. The motion from the Town Council is that they have set it down for a public hearing next month with the requisite notice of once a week for three weeks before the public hearing. The Zoning Enabling Act has a provision that it has to be referred to the Planning Board for a statement on whether or not the proposed Zoning Ordinance amendments comply with the Comprehensive Plan. Unfortunately, it

was done at last night's meeting and it was too late to put it on the Planning Board agenda for tonight. The next meeting of the Planning Board is a week after the Town Council hearing. Mr. Olean asked if the matter had to come before the Planning Board or if the Technical Review Committee (TRC) could hear it. Mr. DeSisto said the item could be added to tonight's agenda under RI General Law 42-46-4 and the Board could delegate the matter to the TRC. Mr. Reilly asked if the Board could schedule a special meeting. Mr. DeSisto replied that would work.

Mr. DeSisto said that the Zoning Enabling Act also was amended to say that very minor dimensional variances (less than 10%) can be granted by the Zoning Official if there are no objections. That means a lot of the applications will not have to go before the Zoning Board. It is faster and less expensive for the applicant. It is going to be a policy consideration for the Town Council. The Board should look to see that it complies with the Comprehensive Plan. The only other thing is the wind and solar.

Mr. Bostic asked if we had that leeway with our Zoning Official now and Mr. DeSisto replied no. The Zoning Ordinance needs to be amended to do that. Sometimes, there are minor applications. Neighbors show up not to oppose it but to show they are in favor of the variance. If there are any objections, the matter would go to the Zoning Board. Mr. Bostic asked if the TRC could review it. Mr. Ranaldi stated that there would still be a thirty day window for the notice to be sent to abutters. Within the thirty day period, the

application could go to the TRC. Mr. Reilly asked if there is going to be notification to the abutters and Mr. DeSisto replied yes.

The Board recommended that a special meeting be held on June 12th to give the Town Council a recommendation on the Zoning Ordinance amendments. Mr. Ranaldi stated that he will have a draft recommendation to present to the Board.

SECRETARY'S REPORT

Mr. Olean made a motion to dispense with the reading of the minutes from February 27 and March 27, 2013. Mr. Hunt seconded motion. Motion passed unanimously.

Mr. Reilly made a motion to approve the minutes as presented. Mr. Hunt seconded motion. Motion passed unanimously.

There being no further business to discuss, on a motion made by Mr. Reilly and seconded by Mr. Hunt, it was unanimously voted to adjourn. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Margaret Weigner

Attached May TRC Report:

On May 14, 2013 at 3:00 pm, the Technical Review Committee met to review the agenda items for the May 22, 2013 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Leslie Quish, and Russell Hervieux. Below are the Committee's recommendations.

Comprehensive Plan Update

- a. The Comprehensive Planning and Land Use Regulations Act Review and Discuss**
 - RIGL 45-22.2**

Enclosed is a summary of the changes that were made to the Comprehensive Planning and Land Use Regulations Act – RIGL 45-22.2. This new act requires all city and town comprehensive plans to be brought into conformance with this act by June 1, 2016. As you will see, the majority of the new changes are administrative in nature by redefining timelines and procedures. The amended act also adds two new elements to the Comprehensive Plan. The new elements are natural hazards and renewable energy.

It is my intent to have a draft updated element to the Planning Board each month for your review and comments. This timeline can be

modified if needed. Each month you will receive the existing Comp Plan element. Please review it and note any updates and concerns you have with its content. The following month you will receive a draft updated element from the Planning Department. We will review it at the Planning Board meeting and discuss your proposed updates and concerns. I will then incorporate these updates into the updated element. This draft will be distributed to the board at the next meeting. This process can be modified as we see fit.

Zoning Applications (*) – June's Zoning Applications

(Continued from the May agenda)

Michael V. St. Martin, 3 Longmeadow Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard setback relief for the construction of a deck.

AP 28, Lot 92 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The subject deck has been partially constructed without a building permit. The Technical Review Committee recommends Denial of the application for a dimensional variance seeking rear yard setback relief for the construction of a deck. The TRC feels that the requested variance of 45 feet is excessive and that the application does not offer any compelling reasoning for this request. The submitted application does not meet any of the standards for relief of a dimensional

variance as presented in the Zoning Ordinance.

However, the Technical Review Committee did notice on the plans and during the site visit, that the applicant has sufficient room within the property's setbacks to re-orientate the deck in which a way that may require significantly less dimensional relief. The Technical Review Committee feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.

Joseph A. Turenne, 1 Cedar Path, Lincoln, RI – Application for Special Use Permit for an accessory family dwelling unit (in-law apartment) within an existing home.

AP 45, Lot 82 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of the Special Use Permit for the Accessory Family Dwelling Unit. The applicant submitted plans that would incorporate a proposed interior modification within the existing house. The interior modification and original house will continue to look like a single family house from the roadway. The Technical Review Committee feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Sundar Sundaram, 1889 Old Louisquisset Pike, Lincoln, RI – Application for Dimensional Variance seeking front and rear relief on the existing house for the construction of a deck on the rear of the property.

AP 27, Lot 71 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application according to the submitted plans for a dimensional variance from the front yard and rear yard setbacks for the construction of a deck on the rear of the property. The front yard dimensional variance was created when the State of Rhode Island, Department of Transportation took a portion of the property's front yard by eminent domain for the construction of Route 146. The proposed rear yard dimensional variance is needed for the proposed deck. The Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

International Café, 1526 Old Louisquisset Pike, Lincoln, RI/Elia Palombo, 1 Riolo Road, Smithfield, RI – Application for Dimensional Variance seeking parking relief for restaurant with expansion.

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. Currently, the existing parking is grandfathered for the existing use. The applicant is proposing to expand the use on the property. An outdoor dining patio has already been installed to the rear of the property without a building permit or the advice from the zoning official. Therefore, according to our Zoning Ordinance, the property would have to be brought up to today's zoning standards. Permanent on-site parking is required to accommodate the parking needs of the existing building as well as the exterior dining patio.

The applicant met several times with the Zoning Official and Town Planner to discuss his project and what type of information would be needed for a dimensional variance application. Unfortunately, the submitted information is not correct. The applicant did not calculate the parking requirements based on the posted building and patio occupancy. The submitted package did not contain enough detailed and accurate information to answer questions regarding safety and the amount of existing and proposed parking. Also, the submitted plan is not stamped by a professional land surveyor.

The Technical Review Committee recommends denial of this application for a dimensional variance seeking parking relief for restaurant with expansion. The TRC cannot visually identify any available areas to redevelop into new parking spaces. The TRC also took into consideration that the application is for a commercial

business venture and did not present accurate information to the Town even after meeting with the Town staff several times. Due to the noted deficiencies of the application, the Technical Review Committee could not evaluate the application against the standards of a dimensional variance or the Comprehensive Plan.

Correspondence/Miscellaneous (*)

a. Staff Reports

**b. Angell Road Subdivision AP 44 Lot 229 Final Plan Recorded
- EAM, LLC Sables Way**